

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.32903 of 2015

Between:

Sunkara Srinivasa Rao,
S/. Late S. Venkata Ratnam,
Aged 57 years, Occ: Agriculturist,
R/o. KCP Sugar and Industries Corporation Ltd.,
Lakshmipuram Challapally Mandal,
Krishna District & 2 others

.. Petitioners

AND

The State of A.P.,
Rep. by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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ORDER:

The petitioners claim to be the owners of land to an extent of Ac. 0.30 cents in Survey No.90/2, situated at Pamidimukkala Village and Mandal, Krishna District. The petitioners allege that the respondent authorities highhandedly interfered with possession of the property belong to the petitioners by way of erecting the stones with barbed wire fencing and acquiring the land illegally.

2. The averments made in the affidavit filed in support of the writ petition and the material papers enclosed to the writ petition clearly disclose that there is a serious dispute regarding the ownership of the subject property. If the petitioners claim that the subject land belong to them, they have to assert their title and possession by the due process of law by availing civil law remedy. When there is a dispute between two parties even where the other party is State or its instrumentality, this Court cannot adjudicate serious civil dispute in exercise of its writ jurisdiction under Article 226 of the Constitution of India.

3. It is not a matter where there was illegal exercise of power by the statutory authority, offending the rights vested in a citizen. It appears to be a case of dispute

to ownership of subject property by two rival claimants. Therefore, the petitioners have to avail appropriate civil law remedy as available in law and no direction as sought for by the petitioners can be granted in exercise of extraordinary power of judicial review under Article 226 of the Constitution of India.

4. Thus, leaving it open to the petitioners to work out their civil law remedy, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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